

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**ANTWONE LEWIS
ADC #146994**

PLAINTIFF

v. **No: 5:19-cv-00182 SWW-PSH**

JAMES PLUMMER, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Susan Webber Wright. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Antwone Lewis filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on May 30, 2019 (Doc. No. 1). On May 31, 2019, the Court entered an order directing Lewis to submit the full \$400.00 filing and administrative fees or file a fully completed and signed IFP application within 30 days. *See* Doc. No. 2. Lewis was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2). The docket reflects that the Clerk of the Court mailed an IFP application to Lewis on May 31, 2019 as directed by the Court.

More than 30 days have passed, and Lewis has not complied or otherwise responded to the May 31 order. There is no docket entry indicating that the Court's order was returned as undeliverable. The Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT Lewis' complaint (Doc. No. 1) be DISMISSED WITHOUT PREJUDICE.

DATED this 17th day of July, 2019.



UNITED STATES MAGISTRATE JUDGE